

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
)
vs.) CASE NO. DNCW3:13CR000269-1
() (Financial Litigation Unit)
)
BARRETT WADDELL KLUTTS,)
Defendant,)
and)
)
KLUTTS PROPERTY MANAGEMENT ,)
Garnishee.)

CONSENT ORDER OF GARNISHMENT

The parties, the United States of America, Defendant, Barrett Waddell Klutts, and Garnishee, Klutts Property Management , agree and stipulate as follows:

1. Defendant is Barrett Waddell Klutts, Social Security Number ***-**-1121, whose last known address is:

XXXX XXXXX XXXXXX
XXXXXXXXXXXXXX

2. A criminal judgment was entered in Case No. DNCW3:13CR000269-001 in the Western District of North Carolina against Defendant in this action where Barrett Waddell Klutts was ordered to pay an assessment and restitution in the amount of \$483,968.00. The parties agree and stipulate that the total balance due in this case is \$483,868.00, as of June 30, 2015.

3. Garnishee has in its possession, custody or control property of Defendant in the form of wages paid to Defendant.

4. Defendant waives service of an application for a writ of continuing garnishment as required by 28 U.S.C. § 3205, and further waives his/her right to a hearing under said statute and any other process to which Defendant may be entitled under 28 U.S.C. § 3205, and further

waives his/her right to a hearing under said statute and any other process to which Defendant may be entitled under 28 U.S.C. § 3001. et. seq.

5. Garnishee waives service of an application for a writ of continuing garnishment as required by 28 U.S.C. §3205, and further waives its right to answer and waives being heard in this matter and any other process to which the garnishee may be entitled under 28 U.S.C. § 3001. et. seq.

6. Defendant agrees and stipulates that his/her wages are subject to garnishment under 28 U.S.C. § 3205 and expressly agrees and stipulates that the entry of a Consent Order in Garnishment is proper.

7. Garnishee agrees and stipulates that they are prohibited from discharging Defendant from employment by reason of the fact that his earnings have been subject to garnishment from any one indebtedness. See 15 U.S.C. § 1674.

8. The parties agree and stipulate to the entry of a Consent Order of Continuing Garnishment against the non-exempt wages of Defendant. It is expressly agreed and stipulated to by the parties that Garnishee pay Plaintiff twenty-five percent of Defendant's earnings which remain after all deductions required by law have been withheld and one hundred percent of all 1099 payments and continue said payments until the debt to Plaintiff is paid in full or until Garnishee no longer has custody, possession or control of any property belonging to Defendant or until further Order of this Court. See 15 U.S.C. § 1673(a).

9. The parties agree and stipulate that Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

10. The garnishment payments should be made payable to the United States Clerk of Court and mailed to:

United States Clerk of Court
401 West Trade Street
Charlotte, North Carolina 28202

Respectfully submitted,
JILL WESTMORELAND ROSE
ACTING UNITED STATES ATTORNEY

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Tiffany M. Mallory
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Agreed and Consented to:

Barrett Waddell Klutts
Defendant

Dellene Williams Maybin
Agent for Garnishee
Klutts Property Management

United States Clerk of Court
401 West Trade Street
Charlotte, North Carolina 28202

Respectfully submitted,
JILL WESTMORELAND ROSE
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Agreed and Consented to:



Barrett Waddell Klutts
Defendant

Dellene Williams Maybin

Dellene Williams Maybin
Agent for Garnishee
Klutts Property Management

SO ORDERED.

Signed:



David Keesler
U.S. Magistrate Judge